

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

COOPER/T. SMITH STEVEDORING CO., INC., ET AL.	§	-- LEAD CASE --
	§	
	§	
VS.	§	C.A. NO. 4:07-cv-2698
	§	Honorable Judge Ewing Werlein, Jr.
	§	
MV ALBERTA, ET AL	§	IN ADMIRALTY – Rule 9(h)

CONSOLIDATED WITH

MELINDA LUERA	§	
	§	
	§	
VS.	§	C.A. NO. 4:07-cv-3707
	§	Honorable Judge Ewing Werlein, Jr.
	§	
MV VOC ROSE, in rem	§	IN ADMIRALTY – Rule 9(h)

CONSOLIDATED WITH

MELINDA LUERA	§	
	§	
	§	
VS.	§	C.A. NO. 4:07-cv-2541
	§	Honorable Judge Ewing Werlein, Jr.
	§	
SAMOS SHIPPING CO., LTD., AND	§	
REESE DEVELOPMENT, INC.	§	

**NOTICE OF FILING PETITION FOR PERMISSION TO  
APPEAL IN THE FIFTH CIRCUIT COURT OF APPEALS**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants J.P. Samartzis Maritime Enterprises Co. S.A. and Reese Development, Inc. (hereinafter jointly referred to as the “VOC ROSE Interests”) to notify the Court that as provided by the Court’s Memorandum and Order dated June 24, 2009, they have timely filed a Petition for Permission to Appeal in the Fifth Circuit Court of Appeals.

Respectfully submitted,

/s/ Robert L. Klawetter

Robert L. Klawetter  
State Bar No. 11554700  
Federal I.D. 2471  
Christina K. Schovajsa  
State Bar No. 24002910  
Federal I.D. 25142  
20<sup>th</sup> Floor, Niels Esperson Building  
808 Travis Street  
Houston, TX 77002  
Telephone: (713) 225-0905  
Facsimile: (713) 225-2907

Attorneys for Reese Development, Inc. and  
J.P. Samartzis Maritime Enterprises Co. S.A.

OF COUNSEL:

EASTHAM, WATSON, DALE & FORNEY, L.L.P.

**CERTIFICATE OF SERVICE**

I certify that I filed the foregoing pleading on **August 20, 2009**, electronically, and that a true and correct copy of the foregoing will be served on counsel of record via the Electronic Case Filing System of the United States District Court for the Southern District of Texas, Houston on Division, and/or by certified mail, return receipt requested, as enumerated below.

/s/ Robert L. Klawetter

Robert L. Klawetter

**ELECTRONIC MAIL**

Dennis L. Brown  
Dennis L. Brown, P.C.  
24 Greenway Plaza, Suite 1818  
Houston, Texas 77046

**ELECTRONIC MAIL**

Derek Walker  
Chaffe McCall, L.L.P.  
1100 Poydras Street, Suite 2300  
New Orleans, Louisiana 70163

**ELECTRONIC MAIL**

Kenneth G. Engerrand  
Allen D. Hemphill  
Brown Sims, P.C.  
1177 West Loop South, Tenth Floor  
Houston, Texas 77027-9007

**ELECTRONIC MAIL**

Ivan Rodriguez  
Chaffe McCall, L.L.P.  
815 Walker Street, Suite 953  
Houston, Texas 77002